

JS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
H. Rogers Varner, Jr., on behalf of himself and all others similarly situatedDEFENDANTS
See Attachment BATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
See Attachment A

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Federal Antitrust 15 U.S.C. Section 1

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- [] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE INSTRUMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
[] 160 STOCKHOLDERS SUITS
[] 190 OTHER CONTRACT
[] 195 CONTRACT PRODUCT LIABILITY
[] 196 FRANCHISE

REAL PROPERTY

- [] 210 LAND CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

PERSONAL INJURY

- [] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT LIABILITY
[] 320 ASSAULT, LIBEL & SLANDER
[] 330 FEDERAL EMPLOYERS' LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE PRODUCT LIABILITY
[] 360 OTHER PERSONAL INJURY
[] 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

- [] 440 OTHER CIVIL RIGHTS (Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/ ACCOMMODATIONS
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES - OTHER
[] 448 EDUCATION

CIVIL RIGHTS

PERSONAL INJURY

- [] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- [] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING

PRISONER PETITIONS

- [] 463 ALIEN DETAINEE
[] 510 MOTIONS TO VACATE SENTENCE
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- [] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- [] 625 DRUG RELATED SEIZURE OF PROPERTY
21 USC 881
[] 690 OTHER

LABOR

- [] 710 FAIR LABOR STANDARDS ACT
[] 720 LABOR/MGMT RELATIONS
[] 740 RAILWAY LABOR ACT
[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)
[] 790 OTHER LABOR LITIGATION
[] 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- [] 462 NATURALIZATION APPLICATION
[] 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- [] 422 APPEAL
28 USC 158
[] 423 WITHDRAWAL
28 USC 157

PROPERTY RIGHTS

- [] 820 COPYRIGHTS
[] 830 PATENT
[] 840 TRADEMARK

SOCIAL SECURITY

- [] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

- [] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY
26 USC 7609

OTHER STATUTES

- [] 375 FALSE CLAIMS
[] 400 STATE REAPPORTIONMENT
[x] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV

- [] 850 SECURITIES/ COMMODITIES/ EXCHANGE

- [] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS

- [] 893 ENVIRONMENTAL MATTERS
[] 895 FREEDOM OF INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:



CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER N.A.JUDGE Paul G. GardepheDOCKET NUMBER 1:15-cv-05794

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | | | | |
|--------------------------|-----------|-----------|---|-----------|-----------|---|-----------|-----------|
| CITIZEN OF THIS STATE | PTF [] 1 | DEF [] 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF [] 3 | DEF [] 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF [] 5 | DEF [] 5 |
| CITIZEN OF ANOTHER STATE | [] 2 | [] 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [] 4 | [] 4 | FOREIGN NATION | [] 6 | [] 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

H. Rogers Varner, Jr.
 325 Cotton Row
 Cleveland, MS 38732

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See Attachment B

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 09/16/2015 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 07 Yr. 2002)
 Attorney Bar Code # JH-2612

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Attachment A

PLAINTIFF'S ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

| | |
|---|--|
| <p>R. Bryant McCulley McCulley McCluer PLLC 2113 Middle Street, Suite 208 Sullivan's Island, SC 29482 (205) 238-6757</p> <p>Stuart H. McCluer McCulley McCluer PLLC 1223 Jackson Avenue East, Suite 200 Oxford, MS 38655 (662) 550-4511</p> | <p>Michael J. Guzman Kevin J. Miller Joseph S. Hall Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C. 1615 M Street, NW, Suite 400 Washington, DC 20036 (202) 326-7900</p> |
| <p>Joshua D. Snyder Boni & Zack LLC 15 St. Asaphs Road Bala Cynwyd, PA 19004 (610) 822-0200</p> | <p>Matthew Duncan Adam J. Pessin Fine, Kaplan and Black, R.P.C. 1 South Broad St., 23rd Floor Philadelphia, PA 19107 (215) 567-6565</p> |

Attachment B

DEFENDANTS

Bank of Nova Scotia, New York Agency
250 Vesey Street, New York, New York 10080 (County of New York)

BMO Capital Markets Corp.
3 Times Square, 28th Floor, New York, New York 10036 (County of New York)

BNP Paribas Securities Corp.
787 Seventh Avenue, New York, New York 10019 (County of New York)

Barclays Capital Inc.
745 Seventh Avenue, New York, New York 10019 (County of New York)

Cantor Fitzgerald & Co.
499 Park Avenue, New York, New York 10022 (County of New York)

Citigroup Global Markets Inc.
390 Greenwich Street, New York, New York 10013 (County of New York)

Commerz Markets LLC
2 World Financial Center, Suite 3101, New York, New York 10281
(County of New York)

Countrywide Securities Corp.
4500 Park Granada, Calabasas, California 91302 (Los Angeles County)

Credit Suisse Securities (USA) LLC
11 Madison Avenue, 24th Floor, New York, New York 10010 (County of New York)

Daiwa Capital Markets America Inc.
Financial Square, 32 Old Slip, New York, New York 10005 (County of New York)

Deutsche Bank Securities Inc.
60 Wall Street, 4th Floor, New York, New York 10005 (County of New York)

Goldman, Sachs & Co.
200 West Street, 29th Floor, New York, New York 10282 (County of New York)

HSBC Securities (USA) Inc.
HSBC Tower, 452 Fifth Avenue, New York, New York 10018 (County of New York)

Jefferies LLC
520 Madison Avenue, 10th Floor, New York, New York 10022 (County of New York)

J.P. Morgan Securities LLC
277 Park Avenue, New York, New York 10172 (County of New York)

Merrill Lynch, Pierce, Fenner & Smith Incorporated
One Bryant Park, New York, New York 10036 (County of New York)

Mizuho Securities USA Inc.
320 Park Avenue, 12th Floor, New York, New York 10022 (County of New York)

Morgan Stanley & Co. LLC
1585 Broadway, New York, New York 10036 (County of New York)

Nomura Securities International, Inc.
309 West 49th Street, Worldwide Plaza, New York, New York 10019 (County of New York)

RBC Capital Markets, LLC
3 World Financial Center, 200 Vesey Street, 8th Floor, New York, New York 10281
(County of New York)

RBS Securities Inc.
600 Washington Boulevard, Stamford, Connecticut 06901 (County of Fairfield)

SG Americas Securities, LLC
1221 Avenue of the Americas, 6th Fl., New York, New York 10020 (County of New York)

TD Securities (USA) LLC
31 West 52nd Street, New York, New York, 10019

UBS Securities LLC
677 Washington Boulevard, Stamford, Connecticut 06901 (County of Fairfield)